
DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Proposed Endangered Status for
Seven Birds and Two Mammals From
the Mariana Islands

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposed to determine seven birds, *Halcyon cinnamomina cinnamomina* (Micronesian kingfisher), *Myiagra freycineti* (Guam broadbill or chuguanguang), *Zosterops conspicillata conspicillata* (bridled white-eye or *nossa*), *Gallinula chloropus guami* (Mariana gallinule or *pulattat*), *Aerodramus vanikorensis bartschi* (Vanikoro swiftlet or *yayahuak*), *Rallus owstoni* (Guam rail or *koko*), *Corvus kubaryi* (Mariana crow or *aga*), and two mammals, the Guam population of *Pteropus mariannus mariannus* (Mariana fruit bat or *fanihi*) and *Pteropus tokudae* (little Mariana fruit bat), to be Endangered species under the authority contained in the Endangered Species Act of 1973, as amended. Two political entities are involved: the Territory of Guam and the Commonwealth of the Northern Mariana Islands. A determination that these nine

Mariana Island taxa are Endangered would implement the protection provided by the Endangered Species Act of 1973, as amended. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the public must be received on or before February 27, 1984. Public hearing requests must be received by January 13, 1984.

ADDRESSES: Interested persons or organizations are requested to submit comments or materials to the Regional Director, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Portland, Oregon 97232. Comments and material relating to this proposal are available for public inspection by appointment during normal business hours at the Service's Office of Environmental Services, 300 Ala Moana Boulevard, Room 6307, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford Wilbur, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Portland, Oregon 97232 (503/231-6131).

SUPPLEMENTARY INFORMATION:

Background

The Service has received two petitions from the Government of Guam to list certain species from that island as Endangered species. The first of these petitions was sent on August 28, 1978, by the Honorable Ricardo J. Bordallo, Governor of Guam, requesting that the Service list the following species: Mariana fruit dove (*Ptilinopus roseicapillus*), Mariana gallinule (*Gallinula chloropus guami*), Guam rail (*Rallus owstoni*), Vanikoro Swiftlet (*Aerodramus vanikorensis bartschi*), Mariana fruit bat (*Pteropus mariannus mariannus*), and the little Mariana fruit bat (*Pteropus tokudae*). The second petition was sent by the Honorable Joseph E. Ada, then Acting Governor of Guam, on February 27, 1979. It petitioned the Service to list the Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*); Micronesian broadbill (*Myiagra oceanica freycineti*), now known as Guam broadbill (*Myiagra freycineti*); White-throated ground dove (*Gallicolumba xanthonura xanthonura*); Cardinal honey-eater (*Myzomela cardinalis saffordi*); Mariana crow (*Corvus kubaryi*); and Bridled white-eye (*Zosterops conspicillata conspicillata*).

Subsequently, on May 18, 1979, the Service published a Notice of Review of Status in the *Federal Register* (44 FR 29128-30) requesting information on any of the 12 species under consideration concerning their status, distribution,

population trends, critical habitat, or other pertinent data. The Service now has sufficient information to warrant proposing seven birds as endangered throughout their entire range: the Micronesian kingfisher, the Guam rail, Mariana crow, bridled white-eye, Vanikoro swiftlet, Mariana gallinule and the Guam broadbill. The little Mariana fruit bat and the Guam population of the Mariana fruit bat also are being proposed as Endangered. Additional information will be required before the status of the Mariana fruit bat can be assessed as Endangered or Threatened throughout its entire range.

Summary of Status of Each Species

Guam broadbill (*Myiagra freycineti*). This species is endemic to Guam, the southern-most island of the Mariana group. It formerly occurred over all forested areas of Guam. Although it was probably never abundant, it has suffered a severe decline in recent years. By the early 1970's it was entirely absent from the southern two thirds of the island. It presently has an extremely restricted range and small population. The 1983 census data indicate the population numbers less than 100 birds. This population is apparently restricted to an area of about 150 acres in the Pajon Basin at Ritidian Point, at the north end of the island.

Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*). This subspecies is endemic to Guam. It formerly occurred in forest and forest edge throughout the island. It was considered common as recently as 1945, but subsequently declined drastically as much of its native limestone forest was destroyed. As many as 3,000 individuals may still survive, but the subspecies is restricted to only a fourth of its original range, and the latest surveys indicate that the decline is continuing.

Bridled white-eye (*Zosterops conspicillata conspicillata*). This subspecies is endemic to Guam. It was formerly distributed island-wide. Few were known from the southern end of the island by the 1940's and by 1961 white-eyes were believed extirpated from both south and central Guam. The population has continued this decline and recent surveys indicate an accelerate drop in numbers. Recent observations (January 1983 indicate this bird is now confined to the Pajon Basin (about 150 hectares), represented by less than 50 individuals.

Mariana gallinule (*Gallinula chloropus guami*). This subspecies of the common gallinule was historically distributed in the wetlands of Guam, Saipan, Tinian, and Pagan of the Mariana Islands. Historical populations

were more numerous and widely distributed than what exists today. significant loss of suitable freshwater wetlands has reduced populations on Guam to between about 100 and 200 birds. Populations on Tinian, Saipan, and Pagan are apparently stable but very restricted. Avian disease and environmental contaminants may also be playing a role in these observed declines.

Vanikoro Swiftlet (*Aerodramus vanikorensis bartschi*). This subspecies was historically found on Guam, Rota, Agiguan, Tinian, and Saipan of the southern Mariana Islands. It is currently known to occur on Guam, Agiguan, and Saipan. It is one of Guam's most Endangered birds. As few as 50 individuals are thought to remain on Guam. The Rota and Tinian populations have apparently disappeared in the last few years. A small and declining number of birds are found on Saipan and a small population on Agiguan appears to be stable.

Guam rail (*Rallus Owstoni*). The Guam rail is endemic to Guam. It was formerly distributed over all of Guam in grasslands and forest habitats. It is now distributed in several small discontinuous populations in extreme northern Guam. It has apparently undergone a significant decline in numbers and range in recent years. Recent estimates (1983) suggest there are fewer than 100 birds remaining.

Mariana crow (*Corvus kubaryi*). This species is endemic to Guam and Rota of the extreme southern end of the Mariana Islands. It was historically distributed island-wide on Guam and Rota. The crow disappeared from southern Guam in the mid 1960's and from central Guam in the early 1970's. Its population on Guam is now estimated to number 150 to 200 birds, confined to the northern part of the island. On Rota, the crow is uncommon though it apparently has not suffered a population decline as on Guam. Preliminary results from 1982 Fish and Wildlife Service surveys indicate a population of 1,300 birds on Rota.

Mariana fruit bat (*Pteropus mariannus mariannus*). This subspecies is historically known from Guam, Rota, Agiguan, Tinian, and Saipan. Fruit bats recorded from north of Saipan are thought to be the subspecies *paganensis*. It still occurs on all islands of its historical range but, it is now restricted on Guam to mainly the northern cliff line forests. The population on Guam has declined significantly and apparently now numbers between 850 and 1,000. The populations on the other islands, are not well known. There are

insufficient data to assess population levels or trends on these islands. Systematic surveys are planned for these areas. The population on Guam is being proposed because of its significant vulnerability to illegal take. The remaining colonies are distinct units or groups of animals that are subject to recurring disturbances. The individuals remaining on Guam are in need of immediate protection.

Little Mariana fruit bat (*Pteropus tokudae*). This species is endemic to Guam. It apparently has always been less common than *Pteropus mariannus mariannus*, and is subject to the same problems. *P. tokudae* is the smaller of the two bats, but distinction in the field is difficult. Of over 100 fruit bats collected and scientifically examined on the island in the 1960's only one represented *P. tokudae*. This individual was a female and was nursing a young, which escaped capture. No specimens of *P. tokudae* have been taken since then.

The other taxa included in the two petitions submitted by the Governor of Guam are not included in this proposal for the following reasons:

1. Mariana fruit dove (*Ptilinopus roseicapillus*). This species is distributed on other islands north of Guam. It is still considered common on one or more of these islands.

2. White-throated ground dove (*Gallicolumba xanthonura xanthonura*). This subspecies is found in the Mariana Islands and Yap. It is found deep in the forest and is still considered common on one or more of the islands north of Guam and possibly also on Yap.

3. Cardinal honey-eater (*Myzomela cardinalis saffordi*). This subspecies is considered common on one or more of the islands north of Guam.

As additional information is gathered on these taxa the Service will further consider the need to list them.

Summary of Factors Affecting the Species

Subsection 4(a)(1) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal lists. The Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of five factors described in subsection 4(a)(1) of the Act. These factors and their application to the seven Mariana Islands birds and the two fruit bats are as follows:

A. *Present or threatened destruction, modification, or curtailment of its habitat or range.* Large portions of native habitat on Guam have been destroyed as a result of human activities. The reduction in bird numbers probably can be attributed, in part, to this loss. However, the recent, rapid decline in bird populations appears to be unrelated to habitat destruction, as there are remnants of good habitat throughout Guam that are completely devoid of bird or bat life. Although degradation or destruction of native habitat undoubtedly has contributed in the past, and is still contributing, to the endangered status of these members of the native fauna, it appears not to be a main factor.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The major factor relating to decrease in the population of the fruit bats is poaching. The fruit bats are delicacies prized by some Guamanians and presently command high prices.

The fruit bats are protected on Guam and may not be hunted legally. It is also illegal to import these bats without a permit or from areas where they are protected. Local educational efforts may be responsible for discouraging some of the demand.

In spite of these deterrents there still remains a considerable demand for these animals. Although imports have declined in recent years there were still almost 11,000 fruit bats imported to Guam under permit in fiscal year 1982. A continued demand coupled with a decline in supply will undoubtedly put increasing pressure on the remaining, depleted local population. Accounts continue to be reported of harassment and attempts to poach local colonies.

None of the seven birds have been subjects of overutilization for any purpose.

C. *Disease or predation* (including grazing). No single factor has yet been implicated in the recent decline of Guam birds, but the cause presently being investigated is the spread of avian diseases. To date, no such disease has been identified in these wild birds. Using Pittman-Robertson and Endangered Species grant funding, the Guam Aquatic and Wildlife Resources Division has initiated studies to determine the presence and extent of avian diseases.

There are some similarities between the pattern of disappearance of birds on Guam and the patterns in other areas in which diseases were thought to play a major role such as Hawaii, where avian malaria and avian pox have been implicated.

Predation by a variety of exotic animals is also suspected as a contributing cause of the observed declines. The introduced brown tree snake (*Boiga irregularis*) (also known as the Philippine rat snake) is now widespread on Guam.

It is primarily an arboreal snake that comes into contact with eggs and hatchlings in nests, and roosting young and adult birds. The introduced monitor lizard (*Varanus indicus*) is also common on the island and a potential predator of birds. Cats, dogs and rats, all introduced to Guam, are additional potential predators.

The impact these exotic predators have on the entire assemblage of native forest-dwelling birds is unknown. This set of effective predators in a small island environment (naturally devoid of predatory mammals and reptiles) creates potentially significant problems for native birds, particularly as the numbers of predators increase and the numbers of native birds decrease.

D. *The inadequacy of existing regulatory mechanisms.* The nine organisms included in this proposed rulemaking were placed on the Guam Endangered Species List on September 24, 1981, and are thereby protected by The Endangered Species Act of Guam (Pub. L. 15-36). Listing as Endangered by the Federal Government under the Endangered Species Act of 1973, as amended, will provide additional protection through Section 7 (interagency cooperation), which will require all Federal agencies to consider the impacts of their actions on these species. Section 9 (prohibitions) requirements will also enhance protection provisions (interstate commerce, export-import, take, possession) for the fruit bats. Such action will also facilitate cooperative efforts by the Service to provide funding and technical assistance to ongoing efforts of the Guam Division of Aquatic and Wildlife Resources.

E. *Other natural or manmade factors affecting its continued existence.* Heavy use of DDT and other chlorinated hydrocarbons during World War II and widespread use of agricultural insecticides since that time may have impacted forest birds, especially insectivorous species. Preliminary results of a 1981 pesticide study indicates that pesticides are not currently a problem for Guam bird life, although they may have been in the past.

Road kills by automobiles are an additional source of mortality for the guam rail.

Critical Habitat

The Act requires that, to the maximum extent prudent and determinable, the Secretary designate any habitat of a species that is considered Critical Habitat at the time the species is determined to be Endangered or Threatened. The Service finds that designation of Critical Habitat is neither prudent nor determinable at this time.

The Act defines "Critical Habitat" as "(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species."

Critical Habitat for the seven avian and two mammalian taxa from Guam is not being proposed at this time because sufficient data are lacking to make such a proposed determination. Details are lacking on the extent of habitat needed for an expanded population and on potential economic impacts. It is also questionable from a standpoint of prudence, whether Critical Habitat designation will benefit these taxa, and it may, in fact, be detrimental to the fruit bats. Further review of available information is necessary.

Critical Habitat may subsequently be proposed for these seven species in accordance with the 1982 amendments to the Act, if it is determined that such a determination is in fact prudent.

Available Conservation Measures

If these nine species of Guam wildlife are determined to be Endangered, all would be subject to the protection of the Endangered Species Act of 1973, as amended.

With respect to these nine species, the effects of this proposal, if published as a final rule, would include, but not necessarily be limited to, those mentioned below:

All prohibitions of Section 9(a)(1) of the Act, as implemented at 50 CFR 17.21, will apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate or foreign commerce in the course of a commercial activity, or sell or offer to sell those species in interstate

or foreign commerce. It would also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken, imported or exported. Certain exceptions would apply to agents of the Service and Territorial and Commonwealth conservation agencies for limited purposes.

Regulations at §§ 17.22 and 17.23 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Subsection 7(a)(4) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed for listing as Endangered, and any proposed Critical Habitat. Provisions for Interagency Cooperation implementing this section are codified at 50 CFR Part 402. New regulations to accommodate amendments to the Act have been proposed at 48 FR 29990. The Act requires Federal agencies to evaluate their actions with respect to any species proposed for listing and to confer with the Service on any of their actions that are likely to jeopardize these proposed species. If this proposal is published as a final rule, Federal agencies would be required to insure that actions they authorize, fund or carry out are not likely to jeopardize the continued existence of these species.

If these animals are listed as Endangered species, certain conservation authorities would become available and protective measures may be undertaken for them. These could include increased management of the species and their habitat, the provision of three-fourths Federal (and one-fourth Territorial or Commonwealth) funds for the species conservation through a cooperative agreement under Section 6(c)(2) of the Act, and the development of a recovery plan for the species as specified in Subsection 4(g).

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals which held that the preparation of NEPA documentation was not required as a matter of law for listings

under the Endangered Species Act. *PLF v. Andrus* 657 F.2d. 829 (6th Cir. 1981).

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of each Endangered species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or lack thereof) to the species included in this proposal;

(2) The location of any population of these species and the reasons why any habitat of these species should or should not be designated as Critical Habitat;

(3) Additional information concerning the range and distribution of these species;

Final promulgation of a rule on these species will take into consideration any comments and additional information received by the Service, and such communications may lead to adoption of a final rule that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232.

Primary Authors

The primary authors of the proposed rule are Derral Herbst and Peter Stine, Office of Environmental Services, U.S. Fish and Wildlife Service, Box 50167, Honolulu, Hawaii 96850 (808/546-7530).

References

- Engbring, J. 1983. Forest birds of Guam in critical danger. *Endgr. Spp. Tech. Bull.* 8(1):6-8.
- Engbring, J., and F. Ramsey. In Press. Distribution and abundance of the forest birds of Guam; results of a 1981 survey. *Biological Services Program Bulletin.*
- Guam Aquatic and Wildlife Resources Division. 1979. Annual report. p. 301-325.
- Guam Aquatic and Wildlife Resources Division. 1981. The current status and distribution and natural history of the Marianas fruit bat on Guam. *Aquatic and Wildlife Resources Div. Tech. Report No. 1.* p. 160-172.

List of Subjects in 50 CFR Part 17

Endangered and threatened species,
Fish, Marine mammals, Plants
(agriculture).

Proposed Regulation Promulgation**PART 17—[AMENDED]**

Accordingly, it is hereby proposed to

amend Part 17, Subchapter B of Chapter
I, Title 50 of the Code of Federal
Regulations, as set forth below:

1. The authority citation for Part 17
reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub.
L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93
Stat. 1225; and Pub. L. 97-304, 96 Stat. 1411

(16 U.S.C. 1531 *et seq.*).

2. Amend the table at § 17.11(h) by
adding in alphabetical order under
Mammals (2) and Birds (7) the following
9 entries:

**§ 17.11 Endangered and threatened
wildlife.**

(h)

Species		Historic range	Population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals							
Bat, Little Mariana fruit.....	<i>Pteropus tokudae</i>	Western Pacific Ocean: Guam.	Entire range.....	E.....		NA.....	NA
Bat, Mariana fruit.....	<i>Pteropus manannus manannus</i>	Western Pacific Ocean: Guam, Tinian, Rota, Saipan, Agiguan.	Guam.....	E.....		NA.....	NA.
Birds							
Broadbill, Guam.....	<i>Myiagra freycineti</i>	Western Pacific Ocean: Guam.	Entire range.....	E.....		NA.....	NA.
Crow, Mariana.....	<i>Corvus kubaryi</i>	Western Pacific Ocean: Guam, Rota.	.....do.....	E.....		NA.....	NA.
Gallinule, Mariana.....	<i>Gallinula chloropus guami</i>	Western Pacific Ocean: Guam, Tinian, Saipan, Pagan.	.....do.....	E.....		NA.....	NA.
Kingfisher, Micronesian.....	<i>Halcyon cinnamomina cinnamomina</i>	Western Pacific Ocean: Guam.	.....do.....	E.....		NA.....	NA.
Rail, Guam.....	<i>Rallus owstoni</i>	Western Pacific Ocean: Guam.	.....do.....	E.....		NA.....	NA.
Swiftlet, Vanikoro.....	<i>Aerodramus (= Collocalia) vanikoroensis bartschi</i>	Western Pacific Ocean: Guam, Tinian, Rota, Saipan, Agiguan.	.....do.....	E.....		NA.....	NA.
White-eye, bridled.....	<i>Zosterops conspicillata conspicillata</i>	Western Pacific Ocean: Guam.	.....do.....	E.....		NA.....	NA.

Dated: October 26, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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